

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111, and in light of the remarks which follow, are respectfully requested.

By the present amendment, Applicants have amended the specification at pages 4 and 12 to delete reference to molecular weights. Claims 2 and 23 have been canceled in response to issues raised in the Office Action. Claims 1, 3-22 and 24-36 remain pending in this application.

The specification was objected to for the reasons given on page 3 of the Office Action. Claims 2 and 23 were rejected under 35 U.S.C. §112, first paragraph, for the reasons set forth in paragraphs (2) and (3) of the Office Action. Claims 2 and 23 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth in paragraph (4) of the Official Action. Withdrawal of this objection and rejection is respectfully requested in view of the above amendments and the following remarks.

Claims 2 and 23 have been canceled without prejudice or disclaimer, thereby obviating the rejections thereof. The specification has been amended to delete any reference to the molecular weight of the block copolymer.

In view of the above, the objection to the specification and the §112, first and second paragraph rejections have been obviated.

Claims 1-36 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,994,846 (L'Alloret '846) for the reasons set forth in paragraph (6) of the Office Action. Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

The present claims are directed to topically applicable photostable sunscreen/photoprotective compositions, a method of preparation thereof, and a regimen for photoprotecting human skin. The compositions comprise at least one dibenzoylmethane UV-sunscreen and an effective photostabilizing amount of at least one amphiphilic block copolymer composed of at least one nonionic hydrophilic polymer block and at least one hydrophobic polymer block.

L'Alloret '846, on the other hand, is directed to a cosmetic and/or dermatological composition containing a thickening agent comprising at least one water-soluble or water-dispersible block copolymer of the structure B-A-B where B is a hydrophobic polymer block and A is an ionic water-soluble polymer block. Thus, the hydrophilic block of the reference must contain an ionic polymer block as opposed to the nonionic polymer block of Applicants' claimed invention.

Accordingly, the disclosure of the reference does not anticipate the present claims. Furthermore, the disclosure of L'Alloret '846 would not render obvious the presently claimed invention because there would have been no motivation to modify the block copolymer used as a gelling agent in the reference to arrive at the photostabilizer block copolymer in the compositions of the present invention nor could one have reasonably predicted that such a proposed modification would have been successful.

In view of the above, the §102(e) rejection over L'Alloret '846 should be reconsidered and withdrawn. Such action is earnestly solicited.

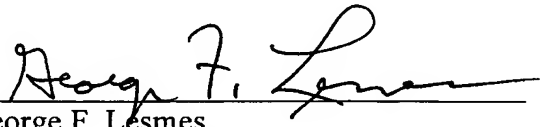
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any

questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at her earliest convenience.

Respectfully submitted,

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